

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

FOR JANUARY 4, 2006

ROLL CALL

10 present, 2 absent. Commissioners Bury and Walker were excused.

PRAYER

Commissioners were led in prayer by Commissioner Lee.

ITEMS NOT ON THE AGENDA

None

PUBLIC COMMENT ON ANY PUBLIC MATTER

Rick Foote, representing the Butte Weekly News, came to the microphone and asks the Chief Executive to comment in his report on a meeting scheduled for next week. Some sort of an economic development meeting that's scheduled to be held in Jefferson County.

B. J. Birch, owner of BJ's Concrete, said he wished to apologize to Mr. Babb and to say shame on this commission for allowing Butte-Silver Bow and the public to be sued in the way that we were. There's a lot of people that think you did the right thing in that situation and our feelings have been overlooked in this situation. He just wanted to say they're sorry and are behind him as people in Butte-Silver Bow County.

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb told the commissioners that he has gone to every department, tried to visit every employee and anybody who had more than five years or more of service was given a service award.

Next week, we are having a Strategic Planning Session for all of the Department Heads. We will be going up to the Iron Wheel Guest Ranch. It's a place where the Chamber of Commerce held their retreat and we will be spending the day up there. If you look at this business, they do almost all of their business in Butte-Silver Bow and it's time that we started looking at Butte-Silver Bow as the hub and the center of our region. That's the reason that we are going up there so that

we can get out of Butte-Silver Bow where there won't be any distractions. We're going to spend the day up there deciding how we are going to plan for the short-term and the long-term, and we'll come back with a project and a product that I will make in front of all of you. We'll have all of the Department Heads up there saying our vision and our goals and objectives for the next year and the next five years.

SECTION I

PUBLIC HEARING

REGARDING THE ANNUAL UPDATE OF THE BUTTE-SILVER BOW TRANSIT PARATRANSIT PLAN. Proof of publication (Communication No. 05-708 being held in Committee of the Whole.

This public hearing has been rescheduled for two weeks because the proof of publication was not in order.

SECTION II

PUBLIC HEARING

FOR THE PURPOSE TO PRESENT INFORMATION RELATED TO UNANTICIPATED REVENUE IN THE AMOUNT OF \$75,000.00 FROM THE MONTANA TOBACCO PREVENTION USE PROGRAM.

(Communication No. 05-721 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Dan Dennehy, Director of BSB Health Department, explained that in October they had applied for \$60,000 and covering five counties and they received \$75,000 and covering three counties. He couldn't be happier over that RFP. They will spend \$75,000 and provide tobacco education in Beaverhead, Deer Lodge and Powell counties along with Butte-Silver Bow County. They will now be able to hire a Health Education Specialist whose partime to a fulltime position and also hire a part time, half-time person in Beaverhead County as required by the contract.

Chief Executive then opened the public hearing at 7:30 PM and called for proponents. On the third and final call, there being none he called for opponents. Again, there was no response so he closed the public hearing at 7:31 PM.

SECTION III

PUBLIC HEARING

FOR THE PURPOSE OF HEARING COMMENTS REGARDING THE ADOPTION OF COUNCIL RESOLUTION NO. 05-105 ENTITLED "A RESOLUTION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA (CITY-COUNTY) APPROVING AND AUTHORIZING AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT FOR THE CREATION, ESTABLISHMENT AND GOVERNANCE OF THE MONTANA PUBLIC POWER AUTHORITY BY AND AMONG THE CITY OF GREAT FALLS, THE CITY OF HELENA, THE CITY OF BOZEMAN, THE CITY OF

MISSOULA AND THE CONSOLIDATED CITY-COUNTY OF BUTTE-SILVER BOW; APPROVING AND AUTHORIZING THE EXECUTION OF SUCH AMENDMENT BY THE CITY-COUNTY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.” **Proof of publication was noted and placed on file.**

Bob McCarthy, County Attorney, County Attorney, gave the background for this resolution. He said the commissioners will be voting on this resolution two weeks from tonight.

Commissioner O’Leary moved to give the public all the time that they want to speak to this issue, but would like the people to keep their comments to 3-5 minutes and to not continually repeat the thing that has already been said. The motion was seconded by Commissioner Frasz and carried by a unanimous verbal vote.

Chief Executive Babb opened the public hearing at 7:45 and called for any proponents. Speaking as proponents were:

Alec Hanson, 241 Anderson Blvd., Helena, MT, representing Montana Public Power.

Dan Miles, 36 North Lake Drive representing Butte-Silver Bow’s Burro Club.

Dan Harrington, 1201 N. Excelsior, State Senator for Butte-Silver Bow

Michelle Miles, 36 North Lake Dr.

Stephen Hinick, 1325 W. Quartz

Zena Beth McGlashan, 1700 Gaylord

Herb Atkinson, 15 O’Neill, Walkerville

Jim Keane, 2131 Wall, Representative from House District 75

Norleen Holt, 70 Missoula Ave.

Tom Thiel, 120 Lyndale Lane

B. J. Birch, 212 Baden, Williamsburg

James Johnston, 901 W. Copper

Speaking as opponents were:

John Eide, 121 Mountain View

Bob Kruger, 121 Clover Drive,

Rich Schuller, 3016 Richardson, Energy Professional

Bob Vivian, 3231 Busch,

Brad Mouldnar, Public Service Commissioner for the State, speaking as neither a proponent nor an opponent. He is here to offer any testimony or advice for anyone who wishes.

The public hearing was closed at 8:25 and a five-minutes recess called.

Back in session at 8:30 PM with a roll call of 10 present and 2 absent

SECTION IV

CONSENT AGENDA

- A.**
 - 1. COMMITTEE OF THE WHOLE MEETING AGENDA
 - 2. FINANCE AND BUDGET COMMITTEE MEETING AGENDA
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT
 - 5. PERSONNEL COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. There being none, it was moved by Commissioner O'Leary, seconded by Commissioner Sheehy and carried by a unanimous verbal vote to approve the consent agenda, Section A, Items 1 through 5 and Section B, Items 1 through 13.

SECTION V

ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 06-1

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 11 BENNETT STREET AND MORE PARTICULARLY DESCRIBED AS LOT 18 IN BLOCK 2 OF THE LAPLATTA AND MIDNIGHT LODE FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE

PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 06-2

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 412 WEST GRANITE STREET AND MORE PARTICULARLY DESCRIBED AS LOT 6 IN BLOCK 20 OF THE ORIGINAL BUTTE TOWNSITE FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 06-3

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 38 CALEDONIA STREET AND MORE PARTICULARLY DESCRIBED AS LOT 8 IN BLOCK 6 OF THE GAGNON ADDITION FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 06-4

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 621 WEST QUARTZ STREET AND MORE PARTICULARLY DESCRIBED AS THE WEST 17.5 FEET OF LOT 5 AND THE EAST 10.5 FEET OF LOT 6 IN BLOCK 2 OF THE PLYMOUTH LODGE (AN UNFILED PLAT) FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 06-5

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY PARTICULARLY DESCRIBED AS LOTS 6 AND 7 IN BLOCK 10 OF THE NOYES AND UPTON RAILROAD ADDITION NO. 2 FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. COUNCIL RESOLUTION NO. 06-6

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AFTER A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-1006, MCA APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE MONTANA TOBACCO USE PREVENTION PROGRAM TO BE EXPENDED IN THE BUTTE-SILVER BOW HEALTH DEPARTMENT FOR THE PURPOSE OF ESTABLISHING TOBACCO USE PREVENTION IN THREE ADDITIONAL COUNTIES, BEAVERHEAD, DEER LODGE, AND POWELL AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VI ORDINANCE AND RESOLUTIONS –
FOR SECOND READING**

**1. COUNCIL BILL NO. 05-15
ORDINANCE NO. 05-15**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 359 AND CHAPTER 2.80 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); REPLACING THE TERM FAIR BOARD WITH THE TERM FAIR COMMISSION; AMENDING SECTIONS 2.80 THROUGH 2.80.070, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 10 yeas, 0 nays and 2 absent to place Council Bill No. 05-15, Ordinance No. 05-15 on second reading and passed having been deemed fully read at length.

**SECTION VII ORDINANCES AND RESOLUTIONS –
FOR FINAL READING**

1. COUNCIL RESOLUTION NO. 05-106

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO ADJOINING OWNERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 10 yeas, 0 nays and 2 absent to place Council

Resolution No. 05-106 on final reading and passed having been deemed fully read at length.

2. COUNCIL RESOLUTION NO. 05-107

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THIRTEEN FEET OF HARTFORD AVENUE TO THE SOUTH LOT LINE OF LOT 6 IN BLOCK 63 OF THE ATHERTON PLACE ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 11 yea, 0 nays and 2 absent to place Council Resolution No. 05-107 on final reading and passed having been deemed fully read at length.

3. COUNCIL RESOLUTION NO. 05-108

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING TEN FEET OF INDIANA AVENUE ADJACENT TO LOTS 1 THROUGH 7 IN BLOCK 3 OF THE DEXTER ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 10 yeas, 0 nays and 2 absent to place Council Resolution No. 05-108 on final reading and passed having been deemed fully read at length.

ADJOURN

Commissioner O’Leary noted that the month of March has five Wednesdays and suggested that the council skip the 4th Wednesday. The Council agreed.

There being no further business to come before the Council, it was moved by Commissioner O’Leary, seconded by Commissioner Sheehy to Rise to the Call of the Chair. The meeting adjourned at 8:30 PM

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER

